

IN THE UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

FOR THE SOUTHERN DISTRICT OF GEORGIA 2006 AUG 30 AM 9:06

AUGUSTA DIVISION

CLERK *L. Flender*
SO. DIST. OF GA.

LAWRENCE RUPERT SMITH,)

Plaintiff,)

v.)

CV 106-98

RONALD STRENGTH, BILL KITCHEN,)

DANNY CRAIG, ASHLEY WRIGHT,)

and SHERYL L. HUDSON,)

Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed.¹ Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Plaintiff's motion to proceed *in forma pauperis* is **DENIED** and this case is **DISMISSED** without prejudice.

SO ORDERED this 30th day of August, 2006, at Augusta, Georgia.

Rudolph B. Smith
UNITED STATES DISTRICT JUDGE

¹ In his objections, plaintiff admits to misrepresenting his filing history in his complaint. Doc. 5 at 2. He says that he did so inadvertently after failing to read the complaint form carefully. In reviewing plaintiff's filing history, the Court notes his prior experience in filling out civil rights complaint forms. The instant action nevertheless is dismissed without prejudice, meaning that plaintiff has the opportunity to present his claims to the Court again in a properly filed complaint.